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NSF INTERNATIONAL,  
a Michigan Corporation,

Plaintiff,

v.

DUSO CHEMICAL CO., INC.,  
a New York Corporation,

Defendant.

UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF NEW YORK

MAY 31 2007

CHAMBERS OF  
DEBORAH A. BATTES  
U.S.D.J.

Case No. 07-cv-4103

Hon. Judge Batts

**PERMANENT INJUNCTION**

On Friday, May 25, 2007, the Court granted a temporary restraining order and order to show cause as to why a preliminary injunction should not issue based on evidence that Defendant, Duso Chemical Co., Inc. ("Duso") was marketing, advertising, offering for sale and/or selling goods bearing counterfeit reproductions of Plaintiffs' federally registered certification marks, as set forth in Plaintiffs' Verified Complaint, specifically U.S. Registration Nos. 1139117, 1884384 and 2018630 (the "NSF MARKS"). Duso now admits that it willfully infringed NSF MARKS, and now consents to entry of this Permanent Injunction.

The Court being otherwise fully advised in the premises; **IT IS HEREBY ORDERED:**

1. Defendant, Duso Chemical Co., Inc., its officers, agents, servants, employees, and attorneys, and those persons in active concert or participation therewith, are enjoined and restrained from:

(a) Utilizing any advertising or promotional material referencing any NSF MARK in connection with its business or operations;

- (b) Utilizing any NSF MARK in connection with the offering or sale of chemicals except as may be expressly authorized by NSF International;
- (c) Utilizing any designation which is confusingly similar to any NSF MARK or that is likely to create the impression that Defendant's business or services are associated with NSF International or are endorsed, authorized, sponsored or certified by NSF International;
- (d) Advertising or representing, directly or indirectly, that Defendant has the right to utilize any NSF MARK;
- (e) Engaging in unfair competition by infringing or misappropriating an NSF MARK, and;
- (f) Destroying any evidence of the infringement of any NSF MARK, unfair competition with NSF International, or the profits or other benefits resulting from such conduct.

2. Other issues in dispute, including damages and awarding of attorneys' fees and costs, shall be resolved at a later date in accordance with the applicable rules of this Court.

**IT IS SO ORDERED.**

Dated May 31, 2007

Deborah A. Bates  
UNITED STATES DISTRICT JUDGE

**STIPULATIONS OF THE PARTIES APPEAR ON THE FOLLOWING PAGE**

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APPROVED AS TO FORM AND CONTENT:

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